

RESOLUTION NO.

WHEREAS, each year, the City of Austin enters into multiple third party agreements, which provide for the construction of public improvements or improvements to City real property by a third party rather than through a direct contract between the City and a general contractor; and

WHEREAS, such third party agreements include developer participation agreements, economic development agreements, ground lease agreements, and other third-party agreements negotiated between the City and private entities desiring to develop City-owned property ("Eligible Third-party Agreements"); and

WHEREAS, the City desires that the City's Eligible Third Party Agreements comply with the standards and principles of the City's OSHA Worker Safety Training Requirements, which include a mandatory 10 hour OSHA approved worker safety class and a 30 hour OSHA approved supervisor safety class (the "Safety Training Requirements"); **NOW, THEREFORE,**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

1 The City Manager is directed that it is the policy of the City that Eligible Third Party Agreements comply with the standards and principles of the City's Safety Training Requirements.

2. Eligible Third Party Agreements authorized by Council after passage of this Resolution are to contain contract terms requiring compliance with the standards and principles of the City's Safety Training Requirements.

3. The requirement to comply with the standards and principles of the Safety Training Requirements shall be included in the City's solicitation documents, if any, for the subject project.

4. The requirement to comply with the standards and principles of the Safety Training Requirements shall be addressed and negotiated at the earliest stages of negotiation of Eligible Third-party Agreements so as to allow ample opportunity for the Safety Training Requirements to be fully incorporated into the agreement and other contract documents.

5. The City employees who negotiate Eligible Third Party Agreements will be trained in the standards and principles of the Safety Training Requirements in order to carry out the directives of this resolution.

6. Eligible Third Party Agreements will include periodic reporting requirements to allow the City to track compliance with the Safety Training Requirements.

7. Eligible Third Party Agreements do not include (1) agreements for the sale of land in which no continuing contractual relationship will exist between the purchaser and the City, (2) interlocal agreements administered by another governmental entity, and (3) agreements for privately-funded public improvements incidental to private development.

ADOPTED: _____, 2011 **ATTEST:** _____

Shirley A. Gentry
City Clerk